

REMARKS

Claims 5-11 are pending in the application. Claim 5 has been amended, leaving claims 5-11 for consideration upon entry of the amendment. Applicant respectfully requests reconsideration in view of the following amendment and remarks.

Claims 5-10 stand rejected under 35 U.S.C. § 102(c) as being anticipated by Squilla et al. (U.S. 6,623,528) ("Squilla"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 5-10 include the following element: "a controller to obtain the relevant information of the customer from the plurality of different paired data sets memorized in the memory device, by using the identification information received by the order receiving device, wherein after the relevant information paired with the identification information for the customer has been already stored in the memory device, the controller obtains the relevant information by repeatedly using the same identification information of the customer for a next order." Squilla does not disclose that element.

In particular, claims 5-10 require that the relevant information and the identification information are paired and stored in the memory device, and the print producing device produces the color image print, based on the color image data, the print producing information and the relevant information, retrieved from the memory device, using the identification information. When the relevant information has been stored in the memory device, the relevant information can be read out and utilized. That is, when the customer places a next order, the relevant information (at least one of color, hue, chroma, brightness, sharpness, and hardness) can be utilized again because the relevant information is always the same for the specific customer.

Squilla discloses that by using the generated list of images, the photocollage processor 33 finds and retrieves the corresponding high resolution images that were previously stored in the image storage 24, which are associated with the unique image identification numbers that were supplied by the scanned index print 18. Then Squilla

creates a photocollage. Squilla does not disclose that after the relevant information paired with the identification information for the customer has been already stored in the memory device, the controller obtains the relevant information by repeatedly using the same identification information of the customer for a next order.

Moreover, Squilla teaches nothing about the claimed relevant information. In particular, Squilla only discloses information about orders such as customer name and quantity (see column 4, lines 44-46), potential correction of exposed photographs via operator interface 31 (see column 2, lines 44-45), and customer preference about graphical rules of a photo album (see column 4, lines 55-57). There is nothing in Squilla that teaches the relevant information and customer preference about photo-finishing, such as at least one of color, hue, chroma, brightness, sharpness, and hardness.

Squilla also does not disclose that the customer preference is memorized and that the customer information is retrieved and repeatedly used for the next order of the same customer.

Squilla only discloses customer preference regarding layout of the photo collage, i.e., the number of images per page, size of the pages, background styles, and colors, etc. See column 4, line 59. None of those preferences has anything to do with photo-finishing.

Thus, Squilla does not disclose all of the limitations. Applicants respectfully request that the Examiner withdraw the rejections as to claims 5-10.

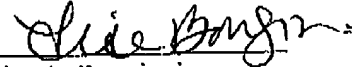
Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Squilla in view of the prior art. Claim 11 includes all of the elements of claim 5. As explained above, Squilla does not teach or suggest all of the limitations and the prior art does not remedy the deficiency. Thus, for the reasons discussed above, Applicant requests that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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